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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,119	01/11/2001	Eliyahou Harari	M-10187-36C	1201

7590 12/31/2003

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EXAMINER

NGUYEN, TAN

ART UNIT	PAPER NUMBER
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2818

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

09/759,119

Applicant(s)

HARARI ET AL.

Examiner

Tan T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 63-77 and 80-124 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 63-77 and 80-124 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

1. The following action is in response to the amendment filed by Applicant on September 11, 2003.
2. Claims 78-79 have been canceled.
Claims 63-77 and 80-124 are pending.
3. The disclosure is objected to because of the following informalities:
In claim 104, line 1, should the number "5" be changed to --95--.
Appropriate correction is required.
4. Claims 63-106 of this application have been copied from U.S. Patents No. 6,014,327 and 6,344,998 for the purpose of an interference.

Applicant has failed to specifically apply each limitation or element of each of the copied claim(s) to the disclosure of the application. Applicant must specifically apply each limitation or element of the copied claim(s) to the disclosure of the present application. For example, for claim 63, Applicant must point out where in the specification the channels of the multi-level cells are being coupled between the bit line and the reference potential, or what are the verifying reference parameters and the reading reference parameters are. Applicant directed to Figures 11c, 11d, 15a, 15b of Patent '344, but did not specifically point out each element or limitation.

Applicant is given THREE MONTHS, whichever is longer, from the mailing date of this communication to specifically apply each limitation or element of each of the copied claim(s) to the disclosure of the application. See 37 CFR 1.607(a)(5). THE PROVISIONS OF 37 CFR 1.136 DO NOT APPLY TO THE TIME SPECIFIED IN THIS ACTION.

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5. Claims 63-77 and 80-106 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Applicant failed to provide an adequate written description of the verifying reference parameter (electrical values) and the reading reference parameters (electrical values) in claims 63-77 and 80-93. Applicant pointed to figure 11c and 11e for the support of the verifying reference parameters and the reading reference parameters. The verifying reference parameters and the reading reference parameters are two different parameters. Figure 11c of Patent disclosed the sense current I_{DS} , which is the sensed current (column 25, lines 16-17), and the current reference I_{REF} (column 26, line 6). There is no support for the verifying reference parameters.

It is not clear what the first, second and third programming reference parameters, the first, second and third read reference parameters in claims 94-119 are. Applicant pointed to 11C of Patent '344 and Figure 15A, 15B, 17B of the present application for support of the programming and read parameters. There is no support for the programming reference parameters, and the relations between the programming reference parameters and the read reference parameters in claims 94-124 are not similar to the relation between the values in figures 11C of Patent '344 and figures 15A, 15B and 17B of the present application.

In claims 94-124, Applicants failed to provide an adequate written for the parameter generating circuitry which generates the first, second, and third programming reference parameters and the first, second and third read reference parameters.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 63-77 and 80-93 are rejected under 35 U.S.C. 102(e) as being anticipated by Banks (U.S. Patent No. 6,014,327) and Banks (6,344,998).

Claims 63-77 are substantially copies of claims 1, 3-4, 6, 13, 15-17, 19-20 and 29-33 of U.S. Patent No. 6,014,327 to Banks.

Claims 80-93 are substantially copies of claims 1-12 and 16 of U.S. Patent 6,344,998 to Banks.

8. Applicant's arguments filed on September 11, 2003 have been fully considered but they are not persuasive.

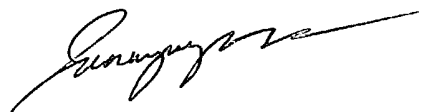
Applicants must specifically point out the support in the specification for each element or element of the copied claims. It is not adequate for just directing to the Figure(s), but not specifying what the elements or limitations are.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan T. Nguyen whose telephone number is (703) 308-

1298. The examiner can normally be reached on Monday to Friday from 07:00 AM to 03:00 PM. The new phone number after January 8, 2004 will be (571) 272-1789

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David C. Nelms, can be reached at (703) 308-4910. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Tan T. Nguyen
Primary Examiner
Art Unit 2818
December 18, 2003